IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 20982 of 2006(W)

PETITIONER:

JOSHY VARGHESE, S/O.VARGHESE,
PALAKKUZHIYIL HOUSE, SOUTHMARADY P.O.,
MOOVATTUPUZHA.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS:

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1. THE SECRETARY, MARADY GRAMA PANCHAYATH,
MARADY.

2. THE DEPUTY DIRECTOR OF PANCHAYATH,
ERNAKULAM.

3. THE DISTRICT COLLECTOR,
ERNAKULAM.

4. THE REVENUE DIVISIONAL OFFICER,
MOOVATTUPUZHA.

5. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT
OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE FOR R1
SRI.PRAVEEN K. JOY
GOVERNMENT PLEADER SRI.P.K. RAVIKRISHNAN FOR R3 TO R5

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).20982/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER AND THE 1ST RESPONDENT DTED 25.10.2005.

EXT.P2- TRUE COPY OF THE ORDER PASSED BY THE 2ND RESPONDENT DATED 30.3.2005

EXT.P3- TRUE COPY OF THE VALUATION CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 30.3.2005

EXT.P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 23.3.2006

EXT.P5- TRUE COPY OF THE LETTER ISSUED BY THE 1ST ESPONDENT TO THE 4TH RESPONDENT DATED 23.3.2006

EXT.P6- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 24.3.2006

EXT.P7- TRUE COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT DATED 27.3.2006

EXT.P8- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 29.3.2006

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 20982/2006 (W)

Dated this the 25th day of January, 2007

JUDGMENT

The writ petitioner is a contractor under the first respondent, Panchayat. Both of them entered into an agreement, Ext.P1. While he was executing his work under Ext.P1, at the instance of the local Village Officer, the vehicles and implements of the petitioner were seized by the Ramamangalam police. The learned counsel submits that the vehicles and implements were subsequently released, on payment of the penalty.

2. The petitioner had made Ext.P8 representation dated 29.3.2006, to the first respondent that he is not prepared to continue the work, till the permission is obtained from the fourth respondent, the Revenue Divisional Officer. It is also requested to relieve him from the agreement as well as the work.

3. Ext.P5 is the representation dated 23.3.2006 by the first respondent to the fourth respondent, the

Revenue Divisional Officer, in which the first respondent had requested to permit them to construct a playground, as per the directions of the Deputy Director of Panchayat, basing on the valuation of the District Collector. However, Ext.R1(b) dated 15.3.2005 of the fourth respondent, reveal that the land value on that area would be at the rate of Rs.1430/- per cent.

4. After hearing all concerned and in the light of the above facts situation, I direct the fourth respondent, the Revenue Divisional Officer, Moovattupuzha, to consider this matter and after hearing the first respondent, Panchayat, and the petitioner, take a final decision basing on the entire facts that are available on record before him, in respect of the construction of the playground in the locality, as per the law applicable to such constructions. This shall be done within two months from the date of production of a copy of this judgment before him.

5. In the meanwhile, the first respondent shall also consider Ext.P8 representation of the writ petitioner

and pass appropriate orders in that as well, within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs